

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<b>In re:</b>	:	<b>Chapter 11</b>
	:	
<b>W.R. GRACE &amp; CO., et al.,</b>	:	<b>Case No. 01-01139 (JKF)</b>
	:	
<b>Debtors</b>	:	<b>Hearing date: November 14, 2005</b>
	:	<b>Heating time: 12:00 noon</b>

**DESIGNATION BY SAN DIEGO GAS & ELECTRIC COMPANY, SEMPRA ENERGY  
AND ENOVA CORPORATION OF FACT AND EXPERT WITNESSES REGARDING  
PRODUCT IDENTIFICATION AND LIMITATIONS PERIODS ISSUES AS DESCRIBED  
IN DEBTORS' FIFTEENTH OMNIBUS OBJECTION (RE: CLAIM NO. 11308)**

San Diego Gas & Electric Company, Sempra Energy and Enova Corporation ("Claimants"), pursuant to the Amended Order Setting Various Deadlines Regarding Objections to Asbestos Property Damage Claims dated October 13, 2006, hereby designate fact and expert witnesses regarding the adjudication of product identification and statute of limitations issues as described in Debtors' Fifteenth Omnibus Objection (Substantive) To Asbestos Property Damage Claims ("Fifteenth Omnibus Objection") as follows:

Claimants are the current and former lessees of an office building located at 101 Ash Street, San Diego, California, 92101 (the "Building"). The Building is a 21-story high rise that is currently used to house the corporate headquarters of Sempra Energy ("Sempra"), an energy company that owns various energy subsidiaries, including Claimants San Diego Gas & Electric Company ("SDG&E") and Enova Corporation. Claimants' books and records establish that the Building contained Monokote-3 fireproofing insulation used to protect the steel structural members of the Building. The Claimants' proof of claim (which Debtors assigned Claim No. 11308) asserts a claim for the costs to perform spot abatement during various construction work

undertaken throughout the Building and further seeks to recover the costs of additional abatement that will be required as part of any planned current or future remodeling of the Building.

Issues regarding the statute of limitations are affirmative defenses for which the Debtors have the burden of proof. Debtors' objections are presented in broad generalities without reference or citation to specific statute of applicable state law. Accordingly, Claimants reserve the right to amend, supplement or add additional witnesses in response to the evidence or witnesses disclosed by the Debtors or any other property damage claimant. Additionally, Claimants further reserve the right to name additional fact or expert witnesses in rebuttal of any fact or expert witness identified by the Debtors.

**A. Fact Witnesses**

Sheldon Glady- 101 Ash Street, San Diego, California, 92101

Mr. Glady was a facilities manager for San Diego Gas & Electric Company ("SDG&E") who oversaw the 101 Ash Street building ("Building") from the mid-1990's through the mid-2000's. Mr. Glady will provide percipient testimony concerning the various remodels performed at the Building, asbestos abatement that occurred in relation to the remodels, costs incurred and paid for in the asbestos abatement, the condition of the asbestos in the Building (e.g., that it is in stable form and not deteriorating), and the maintenance and custody of SDG&E's construction records that reflect the use of Debtors' product at the Building. Further testimony may include the history of Buildings, identification of Grace products, the presence of building contaminants associated with the use of those products and surveys and analysis performed on the Building.

Jon Krantz- 101 Ash Street, San Diego, California, 92101

Mr. Krantz is the current facilities manager for the Building. Mr. Krantz will provide percipient testimony concerning the various remodels performed at the Building, asbestos abatement that occurred in relation to the remodels, costs incurred and paid for in the asbestos abatement, the condition of the asbestos in the building (e.g., that it is in stable form and not deteriorating), and the maintenance and custody of SDG&E's construction records that reflect the use of Debtors' product at the Building. Further testimony may include the history of Buildings, identification of Grace products, the presence of building contaminants associated with the use of those products and surveys and analysis performed on the Building.

Brian Telesmanic- 101 Ash Street, San Diego, California, 92101

Mr. Telesmanic is the Project Manager for SDG&E overseeing the asbestos abatement for the current remodeling project being undertaken at the Building. Mr. Telesmanic can provide percipient testimony regarding the extent of asbestos abatement that has occurred with respect to the current remodeling project, and amounts Claimant has paid to date for the abatement. Mr. Telesmanic can also offer his percipient observations of the condition of the non-abated asbestos at the Building. Further testimony may include the history of Buildings, identification of Grace products, the presence of building contaminants associated with the use of those products and surveys and analysis performed on the Building.

Brian Heramb- 101 Ash Street, San Diego, California, 92101

Mr. Heramb is a Senior Industrial Hygienist for SDG&E who has overseen asbestos abatement at the Building. Mr. Heramb will provide percipient testimony concerning testing at the building, test result findings, and the condition of the non-disturbed asbestos at the Building.

Jay Sheppard- 101 Ash Street, San Diego, California, 92101

Mr. Sheppard is a retired employee of Sempra Energy who oversaw the Building management from the late 1980's through the mid-1990's. Mr. Sheppard may provide percipient testimony concerning the various remodels performed at the Building, asbestos abatement that occurred in relation to the remodels, costs incurred and paid for in the asbestos abatement, the condition of the asbestos in the building, and the maintenance and custody of SDG&E's construction records that reflect the use of Debtors' product at the Building.

**B. Expert Witnesses**

Brian Heramb- 101 Ash Street, San Diego, California, 92101

Mr. Heramb is a Senior Industrial Hygienist for SDG&E who has overseen asbestos abatement at the Building. Mr. Heramb will provide expert testimony concerning testing at the building, test result findings, and the condition of the non-disturbed asbestos at the Building. An expert report will be provided when available.

Steven P. Viani, P.E., ForensisGroup, 3452 East Foothill Blvd., Suite 1160, Pasadena, California 91107-3160

If deemed necessary, Mr. Viani is expected to provide testimony regarding the identification of sampling and testing of Grace products including testimony regarding procedures, methodology and results. Mr. Viani's *curriculum vitae* is attached hereto and an expert report will be provided when available.

In addition to the above-referenced fact and expert witnesses, Claimants incorporate by reference as if fully contained herein, any expert witness, expert witness reports or fact witness filed by any other property damage claimant regarding Debtors' constructive or active notice objection. Claimants may call the following experts to testify about issues involving constructive or inquiry notice. The following experts may also testify that air or dust sampling is not always necessary to make decisions regarding abatement when friable asbestos is found in a building and that such decisions may be made on the basis of visual inspections.

Lara S. Welch, MD  
William M. Ewing, MD  
Henry A. Anderson, MD  
William Longo, Phd.

Further, Claimants incorporate by reference all Grace witnesses to authenticate any document attached to Claimants' Proof of Claim and supplemental submissions for the purpose of identifying Grace products. Claimants further incorporate all chain of custody witnesses as they relate to any collection, survey or analysis relevant to the Building. Claimants reserve the right to supplement and identify additional fact and expert witnesses.

Dated: December 21, 2006

By: /S/ Steven T. Davis

Steven T. Davis (Del. Bar No. 2731)

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## **STEVEN P. VIANI, P.E.**

### **Education and Specialized Training**

BS Civil Engineering, California State University, Sacramento

Graduate courses in Geotechnical Engineering

Continuing education classes in claims avoidance, negotiations and project management

OSHA 40 hour training

USACOE Construction Quality Management Certification

### **Professional Registrations**

Registered Civil Engineer in California

Licensed contractor in California (RMO)

### **Employment History**

State Water Resources Control Board (2-year assignment with (1977-1982)

Army Corps of Engineers)-Senior Engineer

Kellogg Corporation-Senior Engineer (1982-1983)

Department of Health Services-Senior Engineer (1984-1987)

Roy F. Weston, Inc.-Project Director (1987-1990)

Canonie Environmental Services, Inc.-Western Regional Manager (1990-1994)

Geo Con Inc.-Western Regional Manager (1994-1998)

Layne-Christensen Co.-Western Regional Manager (1998-1999)

BCN Company-Vice President of Operations (1999-2001)

Donald B. Murphy Contractors Inc.-Regional Manager (2001-2003)

Private Consulting (Present)

### **Representative Experience**

Over the past 28 years, have held senior level positions in construction, consulting and governmental entities. Have managed, directed or performed projects ranging from \$3000 Phase 1 Preliminary Site Assessments as a consultant to \$20 Million site remediations, including many large and significant environmental and geotechnical construction projects as a contractor. Have 15 plus years experience in managing business units or departments with total P+L responsibility and staff management up to 35 people.

### **Legal, Claims and Defect Oriented Experience**

§ Provided expert input for case involving a 14 unit subdivision in Sacramento County regarding design adequacy and project management. Problems involved, project management, design of on-site and offsite improvements and survey issues.

§ Preparation of impact analysis, acceleration, differing site condition, defective/deficient contract document, directed change, and constructive change design/build slope stabilization subdivision project in Los Gatos, California.

§ Successfully negotiated a \$ 6 million termination for convenience claim for a Superfund site. Developed an estimate of contractor costs and negotiated a fair and reasonable settlement while representing a state government entity. Project required negotiation of an acceleration claim for previous contractor, expert testimony at various court proceedings and presentations to media and elected officials.

§ Provided expert input for construction of 3.3 mile sewer line through rural property to support development. Services included program management review, design adequacy and inspection procedures.

§ Provided expert testimony for a case involving geotechnical, slope stability and waste disposal issues in a development in Malibu. Problem associated with illegal disposal of hazardous materials and the impacts on the surrounding houses including foundation stability and health impacts.

§ Developed detailed problem analysis and expert testimony for design and construction of foundation and earthwork issues associated with parking garage in San Francisco. Involved with Mechanic's Lien.

§ Investigated defective construction involving stucco, roofing, concrete and mechanical issues associated with office/warehouse project in Fresno.

§ Prepared and negotiated a changed site conditions, acceleration, directed change, constructive change and defective and deficient contract document change order with the US Army Corps of Engineers for a slurry wall project.

§ Developed and negotiated a changed condition change order for a bridge designed and owned by the US Forest Service.

§ Developed and negotiated large change orders for quantity increases and changes for design/build environmental remediation projects.

§ Developed claim document for high rise hotel in downtown Los Angeles involving directed changes, constructive changes, defective and deficient contract documents, acceleration and significant contractual issues.

### **Remediation and Environmental Experience**

§ As part of a construction claim on a 4-story parking structure at San Francisco International Airport, evaluated an earthwork claim concerning the presence of hazardous waste, rock, trash and unsuitable materials and their effect on the project schedule. Further analysis of environmental requirements on illegal filling of wetlands in San Francisco Bay.

§ Completed the remediation of the Capri Pumping Services site in East Los Angeles, CA. Site was contaminated with lead, copper, cadmium, solvents and petroleum hydrocarbons. Remediation of this State Superfund site included preparation of a health risk assessment for lead exposure to the surrounding community.

§ Developed a Remedial Investigation /Feasibility Study for the Purity Oil Sales Superfund site in Malaga, CA. Site was former oil processor that had filled onsite ponds with construction debris containing lead and asbestos that impacted soil, surface water and groundwater. RI/FS included on-site and off-site investigation, surface water sampling, development of remedial objectives and interim remedial measures. Extensive US EPA involvement, public involvement and local government oversight.

§ Oversaw the remediation of the Jibboom Superfund Site in Sacramento, CA. Site was a former scrap yard that had impacted the area with lead, PCB, and hydrocarbons. Extensive air monitoring of the perimeter was performed to limit migration of contaminants.

§ Site manager for the McColl Superfund site in Fullerton, CA. Involvement included site sampling of surface and subsurface runoff, construction of site facilities and management of remedial contractors.

§ Project manager for the Kyocera facility in Sorrento Valley, CA. Project involved leaking solvent tank that impacted groundwater and adjacent wetlands and ponds. Project included onsite and off-site investigation, development of remedial alternatives, permitting and monitoring.

§ Remediated a PCP impacted groundwater plume using funnel-gate technology at a wood treating facility. Project involved innovative concept using activated carbon in a passive treatment system.

§ Constructed a soil-bentonite slurry cutoff wall in Arizona to prevent subsurface water contaminated with copper from migrating into adjacent marshes and river.

§ Investigating impact of defective earthwork project on adjacent dwellings in subdivision, including, loss of use, mold, settlement and movement. Project involved extensive grading by others, which altered surface and subsurface water flow regimes that impacted subdivision.

§ Designed and remediated 2500 CY TCA impacted soil inside an existing manufacturing structure in Southern California.

§ Designed, permitted and remediated 70,000 CY of TPH impacted soil removal for the closure of the Lockheed C plant in Burbank, California. Closure granted.

§ Remediated several UST's in Oakland, California by using in-place abandonment.

§ Oversaw the design and construction of a groundwater treatment facility for pesticide contaminated soils in Fresno, California as well as excavation of 10,000 CY of pesticide impacted soils.



§ Remediated a TCE/TCA impacted groundwater plume using a Deep Soil Mix (DSM) wall that was 65 feet deep and had a surface area of 50,000 SF at an active railyard.

§ Remediated soil impacted with solvents using vapor extraction at the Xerox site in Santa Ana, California. Project included permitting, monitoring and maintenance.

§ Constructed a gasoline extraction trench using biopolymer slurry and an HDPE membrane at the port of Los Angeles.

§ Constructed a composite HDPE (Gundwall) wall inside of a soil-bentonite slurry cutoff to contain a plume of pregnant leachate from a copper heap leach facility and prevent the plume from reaching the river.

§ Developed environmental analysis for portion of former Superfund site that would be removed from Superfund designation to assess impacts on new owners of that piece of property.

### **Consulting Oriented Experience**

§ Designed and oversaw abatement of numerous asbestos abatement projects throughout California.

§ Planned and permitted high tech chemical storage and fabrication facilities in West Germany, Korea and Taiwan.

§ Developed large scale Phase 1 property transfer program for major renovation of prime San Francisco real estate.

§ Developed data base management system for US Department of Energy facility to manage chemical release monitoring data for site impacted with chemical and radioactive wastes.

§ Performed numerous Phase 1 Preliminary Site Assessments, Remedial Investigations, Feasibility Studies and Corrective Measures Studies.

§ Developed expertise in waste treatment and remedial waste treatment technologies for soil and water.

### **Construction Oriented Experience**

§ Constructed ADA upgrade and remodel for US Coast Guard Pacific Strike Force Facility in Novato.

§ Managed the construction of a remodel of mall space for the US Army Corps of Engineers to provide a recruiting center.

§ Managed lead abatement, asbestos abatement, structural repairs and painting for 1400 military housing units at Beale Air Force base.

§ Designed and built a foundation seismic upgrade using micropiles for a public library in Alameda.

§ Designed and built a soil nail temporary excavation support system for the Bascon Engineering Building for UC Santa Cruz.

§ Designed and managed asbestos abatement activities for 500,000 square feet of office space for TRW buildings in El Segundo.

§ Constructed projects using ground anchors, tiebacks, jet grouting, soil mixing, shotcrete, micropiles, driven piles and sheet piles, often under design/build contracts.

§ Constructed soil nail, soldier pile and wood lagged excavation support projects for building excavations and soil removal projects.

§ Oversaw construction of large wastewater treatment plants, pump stations, tunnels and box sewers for Federal Government construction program.

§ Performed ground improvement projects involving dynamic compaction and vibro compaction/replacement.

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